UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.164/L.11/Rev.1
28 July 1993

ORIGINAL: ENGLISH

UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

DRAFT CONVENTION ON THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS ON THE HIGH SEAS AND HIGHLY MIGRATORY FISH STOCKS ON THE HIGH SEAS

(Submitted by the delegations of Argentina, Canada, Chile, Iceland and New Zealand)

93-42006 (E) 290793

290793

The Parties to this Convention

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Convention:

(a) "international conservation and management measures" means measures to conserve or manage one or more straddling fish stocks or highly migratory fish stocks on the high seas that are adopted and applied in accordance with the principles of international law as reflected in the United Nations Convention on the Law of the Sea and, in particular, such measures adopted or approved by regional fisheries conservation organizations or under regional fisheries conservation arrangements;

(b) "exclusive economic zone" means the exclusive economic zone as defined in article 55 of the United Nations Convention on the Law of the Sea and includes 200-nautical-mile fishing zones;

(c) "fishing vessel" includes any ship or boat or any other description of vessel used in or equipped for:

(i) fishing or processing or transporting fish from fishing grounds; or

(ii) provisioning, servicing, repairing or maintaining any vessel of a fishing fleet while at sea;

(d) "flag State" means the State whose flag a vessel is entitled to fly;

(e) "highly migratory fish stocks" means stocks of fish species listed in Annex I to this Convention;

(f) "Parties" means parties to this Convention;

(g) "port State" means a State in whose port or offshore terminal a vessel entitled to fly the flag of another State is present;

(h) "regional fisheries conservation arrangement" means a regional or subregional arrangement or agreement involving two or more States, including the relevant coastal State or States, for the purpose of conserving and managing straddling fish stocks or highly migratory fish stocks on the high seas;

(i) "regional fisheries conservation organization" means a regional or subregional organization involving two or more States, including the relevant coastal State or States, which adopts conservation and management measures with

respect to straddling fish stocks or highly migratory fish stocks on the high seas;

(j) "regulatory area" means an area of the high seas in respect of which a regional fisheries conservation organization adopts conservation and management measures or to which a regional fisheries conservation arrangement applies;

(k) "State" includes any regional economic integration organization to which its member States have transferred competence over matters covered by this Convention;

(l) "straddling fish stocks" means stocks occurring both within the exclusive economic zone of a coastal State and in an area beyond and adjacent to that zone.

Article 2

Application

This Convention shall apply to straddling fish stocks on the high seas and highly migratory fish stocks on the high seas.

Article 3

Objective

The objective of this Convention is to establish, in accordance with the principle of sustainable development, an effective regime for the conservation and management of straddling fish stocks on the high seas and highly migratory fish stocks on the high seas, consistent with the United Nations Convention on the Law of the Sea.

PART II

CONSERVATION AND MANAGEMENT

Article 4

Conservation and management measures

Parties shall implement conservation and management measures

(a) Which shall:

(i) Be designed, on the best scientific evidence available, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence

of stocks and any generally recommended international minimum standards, whether subregional, regional or global;

(ii) Take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened;

(iii) Recognize and give effect to the special interest of coastal States in straddling fish stocks and highly migratory fish stocks occurring both in their exclusive economic zones and on the high seas, including the special needs of their coastal communities traditionally dependent on fisheries;

(iv) Be designed so as not to have an adverse impact on straddling fish stocks and highly migratory fish stocks within the jurisdiction of coastal States;

(v) Be consistent with the conservation and management measures applied by the relevant coastal State or States within their exclusive economic zones;

(b) And shall include:

(i) Continuous scientific review and assessment of the state of stocks;

(ii) The establishment of total allowable catches and quotas, as appropriate;

(iii) Provisions to ensure that fishing effort (for example, number of vessels, fishing capacity and fishing days) is commensurate with total allowable catches and quotas, as appropriate;

(iv) Establishment of minimum mesh sizes;

(v) Promotion of the development and requirement of the use of selective fishing gear and of practices that minimize the discarding of fish;

(vi) Promotion of the development and requirement of the use of fishing techniques which ensure that directed fisheries minimize incidental catch;

(vii) Full, detailed, accurate and timely reporting of catches and effort;

(viii) Provisions to ensure effective surveillance and control of fishing activities.

Article 5

Precautionary measures

Parties shall, in order to achieve the objective of this Convention, apply appropriate precautionary measures, such as those contained in Annex II to this Convention. Where there are threats of serious or irreversible damage to straddling fish stocks or highly migratory fish stocks, the lack of full scientific certainty shall not be used as a reason to postpone such measures.

Article 6

Provision of information

1. Parties shall ensure that fishing vessels entitled to fly their flag provide them in a timely manner with such information on their operations as may be necessary to enable them to fulfil their obligations under this Convention and shall take such measures as may be necessary to ensure the accuracy of such information. They shall, in addition, cooperate with other Parties to:

(a) Ensure enhanced collection on the high seas of data necessary for the conservation and management of straddling fish stocks and highly migratory fish stocks;

(b) Ensure enhanced collection on the high seas of data on incidental catches in order to be able to take into consideration the effects of fisheries on the species caught incidentally;

(c) Develop and share analytical and predictive tools such as stock assessment models;

(d) Exchange on a regular basis up-to-date data and information necessary for stock assessment;

(e) Establish or expand appropriate monitoring and assessment programmes.

2. Parties shall cooperate to develop detailed requirements for the implementation of paragraph 1.

PART III

SURVEILLANCE AND CONTROL

Article 7

Surveillance and control measures

1. Parties shall take measures in respect of fishing vessels entitled to fly their flag to monitor vessel location and catches, and to detect activities which undermine the effectiveness of international conservation and management measures, including quotas. Such measures, with due regard to the particular

circumstances in individual regions, shall include an effective combination drawn from the following:

(a) A uniform and internationally recognizable vessel marking system, such as the Food and Agriculture Organization of the United Nations (FAO) Standard Specifications for the Marking and Identification of Fishing Vessels;

(b) Locational transponders on each fishing vessel;

(c) Hailing upon entry into and exit from fishing areas;

(d) Regular hailing of catches, either by radio or using computer technology;

(e) Authorization of fishing effort commensurate with quota or catch shares;

(f) Rules for the provision of accurate and timely catch and effort data;

(g) Regulation of transshipment at sea;

(h) Aerial surveillance;

(i) Regular inspections at sea;

(j) On-board observers;

(k) Catch verification and validation through dockside monitoring of landed catches and market statistics.

2. With respect to the measures contained in subparagraphs 1 (h) to (k), Parties that are flag States shall enter into arrangements with the relevant coastal State or States for the use or sharing of their resources, with a view to minimizing costs for the flag State, the coastal State or States concerned and the relevant regional fisheries conservation organization or arrangement, if any. Funding shall be provided for this purpose to Parties which are both coastal States and developing countries.

3. With respect to subparagraph 1 (j), when a Party decides not to have one of its own observers on board a fishing vessel entitled to fly its flag, the Party which is an adjacent coastal State may place an observer on board such a vessel for the period during which it is fishing for a straddling fish stock or a highly migratory fish stock, at the expense of the flag State.

PART IV

ENFORCEMENT

Article 8

Flag State authorization

In order to exercise effectively their responsibilities under this Convention in respect of fishing vessels entitled to fly their flag, Parties shall:

(a) Establish and operate a licensing system

(i) authorizing such vessels to fish on the high seas;

(ii) specifying conditions such as quotas, stocks, geographical areas, fishing effort and gear for each licence;

(iii) requiring such vessels to carry such licences on board;

(b) Prohibit in national legislation fishing on the high seas by such vessels without a licence;

(c) Take measures to ensure that fishing vessels entitled to fly their flag operating in an area of the high seas adjacent to the exclusive economic zone of a coastal State do not fish in that exclusive economic zone in contravention of the laws and regulations of the coastal State.

Article 9

Offences by vessels or nationals

Parties shall take such measures as may be necessary to ensure that fishing vessels entitled to fly their flag or their nationals do not engage in any activity which undermines the effectiveness of international conservation and management measures, including:

(a) The enactment of national legislation, making it an offence to engage, in any regulatory area, in any activity which undermines the effectiveness of international conservation and management measures;

(b) The investigation of suspected offences;

(c) The initiation of compliance action (e.g., warnings, orders, directions, injunctions, prosecutions) consistent with the nature and gravity of the offence;

(d) The establishment of penalties which shall be commensurate with the nature and gravity of the offence and of sufficient gravity to be effective in securing compliance with the requirements of this Convention and to deprive offenders of the benefits accruing from their illegal activities, including

refusal, suspension or withdrawal of licences as well as fines related to the value of the fishing vessel, seizure or forfeiture of the catch, fishing equipment or vessel;

(e) The expeditious prosecution of the owners, operators or masters of fishing vessels entitled to fly their flag or of their nationals where there is sufficient evidence that they have undermined the effectiveness of international conservation and management measures and, upon conviction of an offender, the imposition of penalties proportionate to the nature and gravity of the offence.

Article 10

Flagging

Parties shall take such measures as may be necessary to prevent the flagging or reflagging of fishing vessels for the purpose of avoiding compliance with international conservation and management measures and shall, to that end, cooperate, inter alia, through the appropriate international organizations.

Article 11

Port State enforcement

Without prejudice to the rights of States under international law with respect to their ports, Parties shall, to the extent practicable, exercise their right to inspect the documents of fishing vessels, other than vessels entitled to fly their flag, in their ports or offshore terminals and the vessels themselves when Parties have reasonable grounds to suspect that such vessels have undermined the effectiveness of international conservation and management measures. Such inspection shall also be carried out at the request of any other Party. If, as a result of such inspections or other evidence, the port State has reasonable grounds to believe that a fishing vessel has undermined the effectiveness of international conservation and management measures or has fished on the high seas without a licence, it shall so inform the flag State and the requesting Party, if any, and may detain the fishing vessel until such time as it agrees with the flag State on the action to be taken.

Article 12

International cooperation

In addition to other measures provided for in this Convention, Parties shall enter into cooperative agreements or arrangements of mutual assistance on a global, regional, subregional or bilateral basis so as to promote the achievement of the objectives of this Convention. They shall, in particular:

(a) Assist each other in the determination of the registry of fishing vessels reported to have engaged in activities undermining the effectiveness of international conservation and management measures, based on information to which they have access;

(b) Establish and maintain effective arrangements for obtaining, preserving and transmitting evidence to prosecuting authorities;

(c) Upon request of a Party which is a port State, provide information to which they have access and all other reasonable assistance.

Article 13

Boarding, inspection and arrest on the high seas

The appropriate authorities of any Party may board and inspect a vessel entitled to fly the flag of another Party fishing in a regulatory area and, when they have sufficient evidence that the vessel has undermined the effectiveness of international conservation and management measures, arrest it. The arresting Party shall notify the flag State of the action taken and shall detain the vessel pending appropriate action by the flag State or, with the latter's consent, by the arresting Party.

Article 14

Enforcement against unregistered vessels

1. The appropriate authorities of any Party may board and inspect a vessel fishing in a regulatory area when they have reasonable grounds to suspect that it is not entitled to fly the flag of any State.

2. They may arrest the vessel and provide for prosecution when that is found to be the case. The arresting Party shall detain the crew only for the time necessary to bring the arrested vessel to the nearest port of that Party and to complete its investigations. It shall expeditiously carry out all relevant investigations and judicial proceedings. It shall as soon as practicable inform the State or States of which the crew are nationals of the action taken.

Article 15

Enforcement against vessels that conceal their identification

1. The appropriate authorities of any Party may board and inspect a vessel fishing in a regulatory area when they have reasonable grounds to suspect that it is concealing its identification or indicating a registry to which it does not belong. They may arrest the vessel and detain it until such time as it is identified and the registry to which it belongs is determined.

2. If the vessel is found to be entitled to fly the flag of a Party, it may be further detained pending appropriate action by the flag State or, with the latter's consent, by the arresting Party. If the vessel is found to be unregistered, article 14, paragraph 2, shall apply.

Article 16

Information on disposition of cases

Where, pursuant to articles 13 or 15, the arresting Party has delivered the arrested fishing vessel to the Party which is the flag State, the latter Party shall inform the former, within twelve months of such delivery and every six months thereafter, of the action taken in respect of that vessel until final disposition of the matter.

PART V

REGIONAL FISHERIES ORGANIZATIONS AND ARRANGEMENTS

Article 17

Regional circumstances

The provisions of this Part shall be applied with due regard to the particular circumstances in individual regions.

Article 18

Minimum standards

Parties which participate in regional fisheries conservation organizations or arrangements shall take action to have such organizations or arrangements:

(a) Adopt conservation and management measures as set out in Part II;

(b) Adopt surveillance, control and enforcement measures as set out in Parts III and IV;

(c) Provide for compulsory and binding third-party settlement of disputes where overfishing or other harmful fishing practices are at issue, considering, as appropriate, the adoption of the procedure outlined in article 26 for that purpose or its use as a model. Parties which do not participate in the relevant organization or arrangement shall be entitled to invoke or to submit voluntarily to any settlement procedure so established, in which case they shall be bound by the resulting decision. Parties that participate in regional fisheries conservation organizations or arrangements shall take action to have such organizations or arrangements establish funds to enable participants which are developing countries to defray the costs of dispute settlement pursuant to this article.

Article 19

New participants

Parties which participate in a regional fisheries conservation organization or arrangement shall, where appropriate, encourage States with an interest in a high seas fishery which it regulates to participate in such organization or arrangement. Such Parties may:

(a) As part of a new participant's contribution to the conservation measures of such organization or arrangement:

(i) Make allocations of any stock they regulate to new participants subject to a waiting period;

(ii) In cases where stocks are depressed, make allocations of any stock they regulate to new participants only when the total allowable catch exceeds a threshold level determined for that purpose by the organization or under the arrangement;

(iii) In cases where stocks are at appropriate levels and fully allocated, make allocations of any stock they regulate to new participants subject to quotas being relinquished by existing participants;

(b) In cases where quotas are relinquished by existing participants, decide to reallocate those quotas to new participants, provided that special consideration shall be given to a coastal State with regard to straddling fish stocks or highly migratory fish stocks occurring within both its exclusive economic zone and the regulatory area and, secondarily, to developing countries.

Article 20

Enclosed and semi-enclosed seas

In establishing a regional fisheries conservation organization or arrangement in respect of an enclosed or semi-enclosed sea comprising, inter alia, an exclusive economic zone or zones extending up to a limit of 200 nautical miles, Parties shall provide for the consent of the coastal State or States concerned in the establishment of all conservation and management measures.

Article 21

Unregulated areas of the high seas

In areas of the high seas in respect of which no fisheries conservation organization or arrangement has been established, Parties which are coastal States and other Parties which harvest straddling fish stocks or highly migratory fish stocks in those areas shall, as appropriate, cooperate to establish a fisheries conservation organization or arrangement on a bilateral or multilateral basis.

Article 22

International assessment

Parties shall cooperate to allow the international community to monitor and assess the activities of regional fisheries conservation organizations and arrangements. For this purpose they shall take action to have such organizations and arrangements submit annual reports to the Committee on Fisheries of FAO. They shall also request FAO to prepare an annual compendium of these reports, which would in addition identify the issues outstanding and formulate recommendations as appropriate.

PART VI

DEVELOPING COUNTRIES

Article 23

Enhancement of the ability of developing countries to fulfil their obligations

Parties shall cooperate to enhance the ability of developing countries to fulfil the obligations provided for in this Convention by improving their capabilities, including the financial, scientific and technological means at their disposal.

Article 24

Technical cooperation with developing countries

Parties shall, at a global, regional, subregional or bilateral level, and, as appropriate, with the support of FAO and other global or regional organizations, engage in technical cooperation with Parties which are developing countries. Such cooperation should take place, inter alia, in respect of conservation and management, surveillance and control and enforcement, thereby enhancing the ability of Parties which are developing countries to obtain the full social and economic benefits from sustainable utilization of marine living resources subject to their jurisdiction and in adjacent areas of the high seas.

PART VII

NON-PARTIES

Article 25

Non-parties

1. Parties shall encourage States not parties to this Convention to adhere to it and shall encourage non-parties to adopt laws and regulations consistent with its provisions.

2. Parties shall cooperate in a manner consistent with this Convention and international law to the end that fishing vessels entitled to fly the flags of non-parties do not engage in activities that undermine the effectiveness of international conservation and management measures.

3. Parties shall exchange information amongst themselves with respect to activities of fishing vessels flying the flags of non-parties that undermine the effectiveness of international conservation and management measures.

PART VIII

SETTLEMENT OF DISPUTES

Article 26

Settlement of disputes

1. In the event of a dispute concerning the interpretation or application of this Convention, the Parties concerned shall seek a settlement through negotiation, enquiry, mediation, conciliation or other peaceful means of their own choice.

2. If, thirty days following receipt of notification by one Party to one or more other Parties that a dispute exists between or among them, the Parties concerned have not been able to settle their dispute through the means referred to in paragraph 1:

(a) Where the United Nations Convention on the Law of the Sea has entered into force for all Parties concerned, Part XV of that Convention shall apply;

(b) Where the United Nations Convention on the Law of the Sea has not entered into force for all Parties concerned, if they do not agree to settle the dispute in accordance with Part XV of that Convention the dispute shall be submitted, at the request of any concerned Party, to arbitration in accordance with the provisions of Annex III to this Convention.

3. Parties shall cooperate to establish a voluntary fund to enable Parties which are developing countries to defray the costs of dispute settlement pursuant to this article.

ANNEX I

HIGHLY MIGRATORY FISH STOCKS

1. Albacore tuna: Thunnus alalunga.

2. Bluefin tuna: Thunnus thynnus.

3. Bigeye tuna: Thunnus obesus.

4. Skipjack tuna: Katsuwonus pelamis.

5. Yellowfin tuna: Thunnus albacares.

6. Blackfin tuna: Thunnus atlanticus.

7. Little tuna: Euthynnus alletteratus; Euthynnus affinis.

8. Southern bluefin tuna: Thunnus maccoyii.

9. Frigate mackerel: Auxis thazard; Auxix rochei.

10. Pomfrets: Family Bramidae.

11. Marlins: Tetrapturus angustirostris; Tetrapturus belone; Tetrapturus pfluegeri; Tetrapturus albidus; Tetrapturus audax; Tetrapturus georgei; Makaira mazara; Makaira indica; Makaira nigricans.

12. Sail-fishes: Istiophorus platypterus; Istiophorus albicans.

13. Swordfish: Xiphias gladius.

14. Sauries: Scomberesox saurus; Cololabis saira; Cololabis adocetus; Scomberesox saurus scombroides.

15. Dolphin: Coryphaena hippurus; Coryphaena equiselis.

16. Oceanic sharks: Hexanchus griseus; Cetorhinus maximus; Family Alopiidae; Rhincodon typus; Family Carcharhinidae; Family Sphyrnidae; Family Isurida.

ANNEX II

SELECTED PRECAUTIONARY MEASURES ON THE HIGH SEAS

Newly discovered stocks

1. (a) At the outset of the development of a fishery directed at a newly discovered stock, to provide for effective scientific review and assessment, and to avoid delays in establishing effective control, the coastal States in whose exclusive economic zones the stock occurs may assume management authority for an initial interim period. These coastal States shall, immediately follow the assumption of this authority, convene a meeting of all interested States that have fished in the region without undermining the effectiveness of international conservation and management measures, to consult on the interim catch and effort levels for the fishery to be conducted during the interim period, and to consult on the States that will participate in the fishery under the authority of these coastal States, appropriate interim management and conservation measures, and the fisheries research to be undertaken.

(b) When the initial interim period has terminated, the management of the fishery will become subject to the authority of the relevant regional fisheries conservation organization or arrangement or, where no appropriate organization or arrangement exists, shall be the subject of consultation between the above-mentioned coastal States and other States interested in participating in the fishery.

2. Early large-scale fisheries on newly discovered stocks shall be prohibited.

3. Effort limitations shall be applied immediately to the new fishery.

4. Limitations shall be established on government assistance and licensing to avoid sudden large-scale development of the fishery.

5. Following the initial interim period of the fishery:

(a) Measures shall be established to provide for gradual development of the new fishery;

(b) Precautionary total allowable catches (TACs) and quotas shall be established as scientific information is developed; the TACs shall be established below the levels estimated to be the maximum sustainable yield (MSY) or in accordance with management procedures which lead towards biomass levels which can produce the maximum sustainable yield;

(c) Precautionary management thresholds shall be established, at which previously determined management action will be taken automatically to avoid delays in decision-making;

(d) Bycatch limits shall be established to prevent the overfishing of limits set for stocks subject to TACs and to maintain or restore stocks of associated or dependent species above levels at which their reproduction may become seriously threatened.

Existing fisheries

1. In fisheries for which scientific information is available for the setting of TACs, the TACs shall be established below the level of MSY or, if the population is below that required for traditional levels which can produce the MSY, the TAC shall be established at a level that allows the stock to rebuild.

2. Effort limitations shall be established to restrain catches within TAC and quota limits or, in the absence of such limits, as independent management measures.

3. Precautionary management thresholds shall be established at which previously determined management action will be taken automatically to avoid delays in decision-making.

4. Threshold TACs shall be established below which moratoria shall be automatically applied.

5. In cases where catch levels, catch rates or fish sizes decline over time, TACs and effort shall be reduced to levels aimed at arresting the decline, and any subsidies for fishing operations shall be stopped.

6. Bycatch limits shall be established to prevent the overfishing of limits set for stocks subject to TACs and to maintain or restore stocks of associated or dependent species above levels at which their reproduction may become seriously threatened.

7. In fisheries where catches are not limited by either TAC or effort limitations, controls shall be established on government assistance and licensing to avoid sudden large-scale development of the fishery.

8. For straddling stocks, in cases where the coastal State determines that an emergency exists, the emergency measures prescribed by the coastal State shall apply for a reasonable period, during which the coastal State and the other interested States shall consult, directly or through the relevant international organizations or arrangements, on the measures to be applied following the prescribed period.

9. For highly migratory stocks, in cases where a majority of the coastal States through whose waters the stocks migrate determine that an emergency exists, the emergency measures prescribed by the majority of the coastal States shall apply for a reasonable period during which the coastal States and other interested States shall consult, directly or through the relevant international organizations or arrangements, on the measures to be applied following the prescribed period.

ANNEX III

ARBITRATION

1. A request for arbitration shall be made to the Secretary-General of the United Nations. The other Party or Parties involved in the dispute shall be notified of this request. Following such a request, an arbitral tribunal shall be constituted by the Secretary-General to decide on the dispute.

2. The tribunal shall be composed of three members. Parties concerned shall, within ten days of the date on which the request is transmitted pursuant to paragraph 1, each appoint one member of the tribunal. In the event that more than two Parties are involved in the dispute, the Parties sharing similar views on the questions to be considered shall seek to agree on the appointment of a common member of the tribunal.

3. If any member of the tribunal has not been appointed pursuant to paragraph 2 within the ten-day period it specifies, the Secretary-General shall, within ten days, appoint such a member.

4. The two members thus appointed shall then select a third member, who shall be the Chair. In the event the two members are unable within ten days of the appointment of the second member to appoint the third, the Secretary-General shall, within ten days of the end of the latter period, appoint the third member of the tribunal, who shall not be a national of any of the Parties involved in the dispute.

5. Within ten days of the formation of the tribunal, the Parties concerned shall file with the tribunal a memorandum, copies of which shall be transmitted to all Parties concerned.

6. A hearing shall be convened at a place and on a date to be determined by the tribunal, within thirty days following the formation of the tribunal.

7. Decisions of the tribunal shall be final and binding. They shall be taken by a majority of the members of the tribunal.

8. The tribunal shall communicate its decision and the reasons on which it is based in writing to all Parties concerned within thirty days of the end of the hearing.

9. Once a dispute has been duly submitted to the tribunal, the tribunal may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the Parties concerned or to prevent damage to the stocks in question, pending a final decision.

10. The tribunal shall adopt such rules of procedure as it deems necessary.

EXPLANATORY NOTE

This draft Convention draws on various sources, including the United Nations Convention on the Law of the Sea, other international agreements, Agenda 21, the draft FAO Compliance Agreement and EC Regulations, as indicated below:

Article	Source
1 (a)	Cf. definition of "international conservation and management measures" in article I (b) of the Draft Agreement to Promote Compliance With International Conservation and Management Measures by Fishing Vessels on the High Seas, Food and Agriculture Organization of the United Nations, Rome, July 1993 (the Draft FAO Compliance Agreement)
1 (g)	Cf. article 218 of the United Nations Convention on the Law of the Sea (UNCLOS)
1 (1)	Cf. article 63 (2) of UNCLOS
4 (a) (i)	Cf. article 119 (1) (a) of UNCLOS
4 (a) (ii)	Cf. article 119 (1) (b) of UNCLOS
4 (b) (i)	Cf. UNCLOS article 119 (2); EC regulation 3760, article 16; article VI, paras. (1) (b) and (3) of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries
4 (b) (iii)	Cf. EC regulation 3927, articles 4 (1) and 5 (2); Northwest Atlantic Fisheries Organization (NAFO) Measures, Part II, B, schedules IV and V
4 (b) (iv)	Cf. EC regulation 3927, article 4 (2); Agenda 21, para. 17.46 (c); cf. NAFO Measures, Part II, A, C and Schedule VI
4 (b) (v)	Cf. EC regulation 3927, article 4 (3); Agenda 21, paras. 17.46 (c) and 17.50; cf. NAFO Measures, Part I, 4 (a)
4 (b) (vi)	Cf. Agenda 21, para. 17.51
4 (b) (vii)	Cf. EC regulation 3760, article 12 (1); and NAFO Measures, Part IV, 1 (i)
5	Inspired by: Bergen Ministerial Declaration (article 7): Bergen Ministerial Declaration on Sustainable Development in the ECE Region, adopted at the Regional Conference on Action for a Common Future organized by the Government of Norway in cooperation with the United Nations Economic Commission for Europe (ECE) held at Bergen, Norway, from 14 to 16 May 1990. Ministers from 34 countries in the ECE region and the Commissioner for the

Article	Source
	Environment of the European Community attended the Bergen Conference; Rio Declaration on Environment and Development (principle 15) adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro, on 14 June 1992; United Nations Framework Convention on Climate Change (article 3, para. 3) adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro, on 14 June 1992; Convention on Biological Diversity (preamble), adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro, on 14 June 1992; Treaty on European Union (article 103r, para. 2) signed at Maastricht, Netherlands, on 7 February 1992.
6	Cf. draft FAO Compliance Agreement, article III (8)
6 (c)	Cf. Agenda 21, para. 17.56 (b)
6 (d)	Cf. Agenda 21, para. 17.56 (d)
7 (a)	Cf. draft FAO Compliance Agreement, article III (7); NAFO Measures, Part III, A also refer
7 (e)	Cf. EC regulation 3760/92, article 4 (2) (d) and (e)
7 (j)	Cf. EC regulation 3928/92 and NAFO Measures, Part VI
8	Cf. EC regulation 3760/92, article 5, and draft FAO Compliance Agreement, article III, paras. (2) and (4)
9	Cf. draft FAO Compliance Agreement, article III (9)
10	Cf. Report of the 103rd Session of the FAO Council, Rome, 14-25 June 1993, paras. 63-72
11	Cf. Memorandum of Understanding on Port State Control, Paris, 20 January 1982, section 3.1; for port State enforcement in the context on pollution, article 218 of UNCLOS refers
12	Cf. draft FAO Compliance Agreement, article V
13	Cf. article V of the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, in force 16 February 1993. Parties are Canada, Japan, Russian Federation and the United States
14	Cf. article 92 of UNCLOS

Article	Source
21	Paragraph 17.59 of Agenda 21 and article 118 of UNCLOS refer
23	Paragraph 17.48 of Agenda 21
24	Cf. draft FAO Compliance Agreement, article VII
25	Cf. draft FAO Compliance Agreement, article VIII
26	Cf. Part XV of UNCLOS; article 33 of the Statute of the International Court of Justice refers

---